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Sent: Tuesday, November 27, 2012 8:03 AM

To: licensinglistserv@virginiainteractive.org

Subject: VDSS Memo to Providers concerning - Consumer Product Safety Commission (CPSC) Mandatory Standards for Cribs

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DATE: November 26, 2012

TO: Licensed Child Day Centers
Licensed Family Day Homes
Voluntarily Registered Family Day Homes
Family Day System Homes
Religious Exempt Child Day Centers
Children's Residential Facilities

FROM: Lynne A. Williams, Director
Division of Licensing Programs

SUBJECT: Consumer Product Safety Commission (CPSC) Mandatory Standards for Cribs

How will the CPSC mandatory standards for cribs affect licensees?

- This CPSC requirement applies to all child care facilities, family day homes and any places of public accommodation affecting commerce.
- Beginning December 28, 2012, the Virginia Department Social Services' licensing inspectors will begin enforcing this requirement and verifying the licensee/provider's compliance with the new federal mandatory crib standards.
- If a licensee/provider is found to have a crib that is not in compliance with the new federal mandatory standards for full-size cribs (16 CFR 1219) and non-full-size cribs (16 CFR 1220), a violation will be cited.
- Failure to comply with the CPSC new mandatory federal standards for full-size and non-full-size cribs may result in civil action taken by the Consumer Product Safety Commission. If the licensing inspector does not receive documentation of compliance from the provider within 30 days of the citation, the licensing inspector will refer the non-compliance to the CPSC and the provider may be subject to CPSC penalties and fines.

"Pursuant to Section 20 of the Consumer Product Safety Act, 15 U.S.C. § 2069, CPSC may assess civil penalties of up to \$100,000 per violation of the CPSA. In addition, pursuant to Section 21 of the CPSA, 15 U.S.C. § 2070, such violations

could subject you and your firm to criminal penalties including imprisonment for not more than five (5) years, a fine, and forfeiture of assets associated with the violation(s).“

What do licensees need to do?

- The new mandatory CPSC safety standards require that all child care facilities must comply with these new safety standards by December 28, 2012.
- It will be the licensee/provider’s responsibility to provide the licensing inspector with documentation to verify that all cribs that are in use are compliant with the new federal safety standards.
- It is illegal under this federal law for child care facilities to resell, donate or give away a crib that does not meet the new crib standards. CPSC recommends disassembling the crib before discarding it. Parts of the cribs can be repurposed for uses other than as a crib.

What documentation is acceptable as verification of compliance?

There are **3** documentation options that may be used to determine compliance:

1. Certificate provided by the manufacturer or retailer: If the crib was purchased prior to and manufactured before June 28, 2011, a Children’s Product Certificate (CPC) or test report from a CPSC-accepted 3rd party lab is required in order to demonstrate compliance with 16 C.F.R. Part 1219 or C.F.R. Part 1220.
OR
2. Manufacture date based on the required tracking label on the crib. If the tracking label on the crib indicates that the crib was manufactured after June 28, 2011, CPSC would not require additional certification documentation.
OR
3. Manufacture date based on the registration card which is required to accompany the crib.

Even though the law requires manufacturers and retailers to make and sell only cribs that meet these new federal crib rules beginning June 28, 2011, CPSC has said that a dated receipt of purchase alone is not enough to indicate compliance.

For additional information please visit the CPSC website: <http://www.cpsc.gov/info/cribs/index.html>